

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

November 3, 1982

ALL-COUNTY LETTER NO. 82-112

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL LICENSED PUBLIC AND PRIVATE
ADOPTION AGENCIES
ALL DSS DISTRICT ADOPTION OFFICES
ALL JUVENILE COURT JUDGES
ALL PROVIDER ASSOCIATIONS

SUBJECT: SENATE BILL 14 MAJOR IMPLEMENTATION ISSUES

Senate Bill 14 (Chapter 978:1982) was signed into law by the Governor on September 12, 1982. In order to comply with the requirements for continued federal foster care and child welfare services funding under PL 96-272, regulations necessary to implement SB 14 provisions became effective October 1, 1982 on an emergency basis.

SB 14 is a major and extensive revision of children's social services and juvenile court activities. Any change of this magnitude is likely to present participating agencies with unique and challenging implementation issues.

Of immediate concern are the following major implementation issues:

1. Application of the new services and juvenile court standards to existing and new cases. Children entering the system on or after October 1, 1982 are subject to all the requirements of SB 14 on that date. Effective October 1, 1982, all children receiving AFDC-FC must receive six month periodic review regardless of whether they were placed before or after October 1, 1982. Consequently, every child in foster care must receive a court or administrative review between October 1, 1982 and March 31, 1983.

In order to assure compliance with the federal requirements for a permanent dispositional plan for all children in placement, the following approach shall be followed:

- (a) Children placed on or after October 1, 1982 - Children initially placed on or after October 1, 1982 shall receive a permanency planning hearing within 18 months of their initial placement.
- (b) Children placed between April 1, 1982 and September 30, 1982 - Children initially placed within this time period shall receive a permanency planning hearing within 18 months of their placement.

This time frame will meet both the federal requirement for a permanency planning (dispositional) hearing within 18 months of placement and state statutory requirements for 12 months of family reunification services prior to the permanency planning hearing.

These children shall be classified as being in the family reunification program pending the permanency planning hearing.

Because the effective date of the requirements for reunification services is October 1, 1982, children placed prior to April 1, 1982 would not be able to meet both the requirements for access to 12 months of reunification efforts and a permanency planning hearing within 18 months of original placement.

- (c) Children initially placed prior to April 1, 1982 - Many of these children will have been in continuous placement 18 months or longer as of the implementation date of October 1, 1982. Consequently, it is literally impossible for them to meet the PL 96-272 requirement for a dispositional (permanency planning) hearing within 18 months of placement. In addition to the legal barriers related to retroactive application of a new law, many of these children are in stable long term placements pursuant to judicial determination that they cannot be returned safely to their parents. Consequently, state policy is to assess the status of these children vis-a-vis their permanent placement needs and, unless reunification appears feasible, they will be classified as being in the permanent placement program.

At the next regularly scheduled court review for these children which will occur sometime within 12 months of October 1, 1982, the court will be asked to review and concur with that classification. Should the court not concur with the permanent placement program status, services will be modified accordingly. In all cases children shall receive court consideration of their permanency planning needs within 18 months of program implementation (10/01/82) although not necessarily within 18 months of original placement date.

As indicated above, commencing October 1, 1982, all foster children will continue to receive court or administrative reviews no less frequently than once every six months regardless of their status vis-a-vis the permanency planning hearing.

2. Clarification of the point at which a child is referred to the Family Reunification program for purposes of completing the assessment required in MPP 30-332.1. A child is considered referred to the Family Reunification program when both of the following criteria are met:

- (a) The Juvenile court has adjudicated the child a dependent under W&I Code, Section 300, and
- (b) the juvenile court has determined that the child is to be placed out of home.

In most cases the initial dispositional court hearing will be the time at which these criteria are met. This will be the point at which the Family Reunification services time limits will start, e.g., time frames for completion of the assessment and service plan.

3. Administrative Review Requirement for Emotionally Disturbed Children - ACIN 73-82 dated June 21, 1982 summarized the provisions of Assembly Bill 2315 (Chapter 325, Statutes of 1982) which relates to emotionally disturbed children in voluntary placement. The bill, which became effective June 29, 1982, requires that for any severely emotionally disturbed child placed under provisions of AB 2315, an administrative review is required at no less frequently than six month intervals for the purpose of determining the continuing need for and appropriateness of the child's placement. Therefore, any severely disturbed child in a voluntary placement on June 30, 1982, whose AFDC-FC funding continued beyond that date due to passage of AB 2315, will require an administrative review prior to January 1, 1983 in order to continue to be eligible for AFDC-FC funds.

The regulations to implement AB 2315, which were filed September 24, 1982 on an emergency basis, set forth the requirements for administrative reviews for emotionally disturbed children. These requirements are similar to the SB 14 administrative review provisions for the foster care population in general including a requirement that counties submit a plan for conducting administrative reviews to DSS for approval.

The SB 14 regulations (MPP 30-493.7) require each county to submit for approval a plan for its administrative review process to the Family and Children's Services Branch, Program Operations Bureau by December 1, 1982 and prior to implementation of the review system. It is unlikely that sufficient time remains for submission and approval of county plans for administrative reviews in order to accommodate the review needs of AB 2315 children by January 1, 1983. Therefore, any county planning to conduct administrative reviews for these children prior to approval of its administrative review plan shall notify the Program Operations Bureau of its intent to hold such hearings as required by MPP 30-504.73 of the AB 2315 regulations.

If you have any questions, please contact your Family and Children's Services Operations Branch representative at (916) 445-7653 or ATSS 485-7653.



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